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4 Attorney for Defendant Lissette Alvarez

5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 ***

8 UNITED STATES OF AMERICA,)

2:15-cr-18-APG-VCF

9 Plaintiff,)

10 vs.)

**STIPULATION TO CONTINUE
SENTENCING HEARING**

11 LISSETTE ALVAREZ,)

(First Request)

12 Defendant1.)
_____)

13
14 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
15 United States Attorney, by and through Daniel J. Cowhig, Assistant United States Attorney, and
16 Defendant Lissette Alvarez, by and through her counsel, Mace J. Yampolsky, Esq., that:

- 17 1. Defendant Lissette Alvarez's sentencing hearing, currently scheduled for
18 Thursday, June 30, 2016, at the hour of 9:00 a.m., be continued until some date
19 beyond November 14, 2016, the scheduled trial date for Co-Defendants Jason
20 Demko and Lorraine Riddiough, to be determined by the convenience of the
21 Court.
22
- 23 2. Defendant Lissette Alvarez expects to be called as a witness in the trial of the
24 codefendants. That trial is scheduled to begin on November 14, 2016 and is
25 anticipated to last approximately two weeks. Because her plea agreement
26 includes provisions that require her to testify truthfully in that matter and in any
27 other if called to do so, and because she expects her relative culpability to be a
28

1 favorable factor in her sentencing, defendant Alvarez believes it in her best
2 interest to defer sentencing until the trial of her codefendants is complete.

3 3. The defendant is out of custody and agrees to continuance of the sentencing
4 hearing.

5 4. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice.

7 5. This is the first request to continue sentencing in this case.

8 6. Defense and Government counsel agree that the proposed continuance is sought
9 in good faith and not for purposes of delay.
10

11 DATED this 16th day of June, 2016.

12 DANIEL G. BOGDEN
13 United States Attorney

14 /s/ Daniel J. Cowhig
15 Daniel J. Cowhig, Esq.
16 Assistant United States Attorney
Counsel for Plaintiff

/s/ Mace J. Yampolsky
Mace J. Yampolsky, Esq.
Counsel for Defendant Alvarez

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:15-cr-18-APG-VCF
)	
Plaintiff,)	
)	<u>FINDINGS OF FACT AND</u>
vs.)	<u>CONCLUSIONS OF LAW</u>
)	
LISSETTE ALVAREZ,)	
)	
Defendant1.)	
_____)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. Defendant Lissette Alvarez's sentencing hearing is currently scheduled for June 30, 2016, at the hour of 9:00 a.m.
2. Defendant Lissette Alvarez expects to be called as a witness in the trial of the codefendants. That trial is scheduled to begin on November 14, 2016 and is anticipated to last approximately two weeks. Because her plea agreement includes provisions that require her to testify truthfully in that matter and in any other if called to do so, and because she expects her relative culpability to be a favorable factor in her sentencing, defendant Alvarez believes it in her best interest to defer sentencing until the trial of her codefendants is complete.

3. The defendant is out of custody and agrees to continuance of the sentencing hearing.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. This is the first request to continue sentencing in this case.
6. Defense and Government counsel agree that the proposed continuance is sought in good faith and not for purposes of delay.

CONCLUSIONS OF LAW

Based on the fact that Defendant Lissette Alvarez's testimony, her cooperation and its usefulness cannot be evaluated by the United States Attorney until the trial of the codefendants which commences on or about November 14, 2016, and based on the fact that counsel for the parties do not object to the continuance, and based on the fact that denial of this request for continuance could result in a miscarriage of justice; the Court hereby concludes that:

1. The ends of justice are served by granting said continuance since the failure to grant said continuance would be likely to result in a miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED that the sentencing date of Lissette Alvarez currently scheduled for June 30, 2016, at the hour of 9:00 a.m., be vacated and continued until Tuesday, November 29, 2016 at 9:00 a.m. in Courtroom 6C.



UNITED STATES DISTRICT JUDGE
DATED: 6/17/2016
